

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Quincy J. Allen,

Petitioner,

v.

Willie D. Davis, *Warden, Kirkland
Correctional Institution,*

Respondent.

C/A No. 0:18-1544-DCC-PJG

ORDER

(Death Penalty Case)

This capital habeas matter is before the court regarding Petitioner Quincy J. Allen's notice that portions of the state court record have not yet been filed in this case. (See ECF No. 48).

On June 12, 2018, the court directed Respondent to file a complete copy of the state court record within thirty days. (ECF No. 13.) Respondent filed numerous state court records. (See ECF Nos. 19-23.) On May 15, 2019, Allen filed his Amended Petition, along with eleven volumes of attachments, including multiple state court exhibits, records, and transcripts apparently omitted from Respondent's submission. (ECF No. 39.) Allen later moved to amend the briefing schedule and asserted Respondent had failed to comply with the court's directive to file a complete copy of the state court record. (ECF No. 41 at 2.) In response, Respondent asserted the additional volumes Allen provided with his Amended Petition completed the record. (ECF No. 44 at 1-2.)

On June 27, 2019, the court directed Allen to identify any portions of the state court record still missing from the docket in this matter. (ECF No. 46.) Allen submitted a list of missing documents and informed the court he was in contact with the Richland County Clerk's office and was awaiting receipt of a complete copy of the state court file. (ECF Nos. 48, 49.)

To ensure the court has the benefit of the complete state court record, Allen is directed to file the documents he has identified as missing as attachments to his response to Respondent's motion for summary judgment.¹ Respondent will then have fourteen days to file any objection to the court's consideration of those documents as part of the record in this matter.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

July 24, 2019
Columbia, South Carolina

¹ Should Allen not receive a complete file from the Richland County Clerk, he shall notify the court as soon as practicable.